

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:13-CR-32
)	(VARLAN/SHIRLEY)
TYLER JAMES SCHAEFFER,)	
)	
Defendant.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

This criminal case is before the Court for consideration of the Report and Recommendation (the “R&R”) entered by United States Magistrate Judge Clifford C. Shirley, Jr. on June 14, 2013 [Doc. 111]. Christopher J. Oldham, counsel for defendant Tyler James Schaeffer, was appointed pursuant to the Criminal Justice Act (18 U.S.C. § 3006A) and filed a motion [Doc. 101] to declare this case complex and extended for purposes of court-appointed attorney’s fees and requesting interim payments. Magistrate Judge Shirley recommends that this case be certified as extended and complex.

The R&R [Doc. 111] indicates that the defendant was charged in a fourteen-count Indictment [Doc. 3]. Specifically, Count One charged that from July 26, 2010, to September 14, 2012, the defendant and his two co-defendants were engaged in a conspiracy to commit robbery. Counts Two, Three, Five, Seven, Eight, Nine, and Eleven, charged the defendant with different Hobbs Act robberies. In addition, in Count Nine, one other co-defendant was charged, and in Count Eleven two other co-defendants were charged. Counts Four, Six, Ten,

and Twelve charged the defendant with using, carrying, and brandishing a firearm during Hobbs Act robberies. Count Thirteen charged the defendant and a co-defendant with a conspiracy to distribute and possess methyldone, a Schedule I controlled substance. Finally, Count Fourteen charged the defendant with knowingly possessing a firearm in furtherance of a drug trafficking crime. The R&R further indicates that the defendant proceeded to a four-day trial on Counts Six, Ten, Twelve, and Fourteen in the Indictment. Due to the number of defendants, the large volume of discovery, the nature of the charge asserted in the Indictment, and the extensive nature of trial preparation, it is the opinion of the undersigned that this case meets the definition of “complex” and “extended” and that excess payments may be necessary to provide fair compensation to counsel.

The Court agrees with the recommendations of the magistrate judge and hereby **ADOPTS** the same. This Order adopting the R&R, along with a copy of the R&R approved by the undersigned, shall be forwarded to the Chief Judge of the United States Court of Appeals for the Sixth Circuit or her designee.

IT IS SO ORDERED.

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE